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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,820	01/26/2004	Michael R. Rice	008092	6886

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EXAMINER

GREENHUT, CHARLES N

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,820	Applicant(s) RICE ET AL.	
	Examiner Charles N. Greenhut	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/06</u> . | 6) <input type="checkbox"/> Other: _____ |

I. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1, 2, 4-15, 17-19, 21-26, and 28 is/are rejected under 35 U.S.C. 102(b) as being anticipated by BONORA (US 5,788,458 A)

1.1. With respect to claim 1, BONORA discloses a flange having a first side opposite a wider second side. (e.g., top surface of 106)

1.2. With respect to claim 2, BONORA additionally discloses a third and fourth side extending from the first to second side.

1.3. With respect to claim 4, BONORA additionally discloses an engagement feature (130).

1.4. With respect to claim 5, BONORA additionally discloses blades (130).

1.5. With respect to claim 6, BONORA additionally discloses blunted blades.

1.6. With respect to claim 7, BONORA additionally discloses a radiused edge.

1.7. With respect to claim 8, BONORA additionally discloses the third and forth side angled to mate with the support (Fig. 4A).

1.8. With respect to claim 9, BONORA discloses a flange having a first side opposite a wider second side. (e.g., top surface of 106)

1.9. With respect to claim 10, BONORA additionally discloses a third and fourth side extending from the first to second side.

- 1.10. With respect to claim 11, BONORA additionally discloses an engagement feature (130).
- 1.11. With respect to claim 12, BONORA additionally discloses blades (130).
- 1.12. With respect to claim 13, BONORA additionally discloses the third and forth side angled to mate with the support (Fig. 4A).
- 1.13. With respect to claim 14, BONORA discloses a support having a first side opposite a wider second side. (e.g., via rotation about 138)
- 1.14. With respect to claim 15, BONORA additionally discloses a third and fourth side extending from the first to second side.
- 1.15. With respect to claim 17, BONORA additionally discloses a supporting feature (130).
- 1.16. With respect to claim 18, BONORA additionally discloses channels (136).
- 1.17. With respect to claim 19, BONORA additionally discloses the third and forth side angled to mate with the flange (Fig. 4A).
- 1.18. With respect to claim 21, BONORA additionally discloses the support adapted to couple to an overhead conveyor.
- 1.19. With respect to claim 22, BONORA additionally discloses the support adapted to couple to a storage shelf
- 1.20. With respect to claim 23, BONORA additionally discloses the support adapted to support a substrate carrier during docking or undocking.
- 1.21. With respect to claim 24, BONORA discloses a substrate carrier having a body (106) an overhead flange coupled to the carrier (top of 106), first side, second side

opposite first and wider than first side, support (116b), first side, second side opposite first and wider than first side (e.g., via rotation about 138), and coupling (Fig. 4A).

1.22. With respect to claim 25, BONORA additionally discloses raising and lowering the support (Fig. 3A-B).

1.23. With respect to claim 26, BONORA additionally discloses an overlapping footprint (Fig. 4A).

1.24. With respect to claim 28, BONORA additionally discloses coupled to a storage shelf (142).

II. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 3, 16, 20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over BONORA in view of GRUBER (DE 37 03 609 A1).

1.1. With respect to claim 3, 16 and 20 BONORA fails to teach an angle of about 60 degrees. GRUBER teaches an angle of about 60 degrees (Fig. 1). It would have been obvious to one of ordinary skill in the art to modify BONORA with the angle of GRUBER in order to facilitate alignment and connection of the flange with the support.

2. Claim(s) 27 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over BONORA in view of AMBERG (US 3,885,825 A).

2.1. With respect to claim 27, BONORA fails to teach the support coupled to an overhead conveyor. AMBERG teaches a support (54) coupled to an overhead conveyor (64). It would have been obvious to one of ordinary skill in the art to modify BONORA with the overhead conveyor of AMBERG in order to transfer the cassette to an alternate location.

III. Response to Applicant's Arguments

Applicant's arguments entered 5/19/06 have been fully considered but are not persuasive.

1. Applicant argues that claims 1, 9, 14 and 24, as originally presented, are not anticipated by BONORA because BONORA fails to disclose an "overhead carrier support." This argument is not persuasive. An "overhead carrier support" is not required to meet the limitations of the claim, merely a flange adapted to be coupled thereto.
2. Applicant further argues that claims 1, 9, 14 and 24, as originally presented, are not anticipated by BONORA because BONORA fails to disclose a "first side opposite a second wider side." This argument is not persuasive. As best understood by examiner, applicant appears to argue that B', as labeled by applicant in the remarks entered 5/19/06, can not be properly considered a side. B' can properly be considered a side that A is wider than, within the broadest reasonable interpretation of that term.
3. Applicant further argues that claims 1, 9, 14 and 24, as originally presented, are not anticipated by BONORA because BONORA fails to disclose a flange adapted to be coupled to a substrate carrier body. This argument is not persuasive. This argument is based on the fact that the element of BONORA used to show the limitations of claim 1 is part of the cassette body and therefore can not properly be considered adapted to couple to the carrier

body. Firstly, just because the upper surface (106) is already integrated into the pictured carrier, does not preclude it from being “adapted to couple to a substrate carrier.” If the part is capable of such function it meets the claim limitations. Additionally, this rationale ignores the fact that, absent top surface (106) the remaining portions of the cassette may properly be considered “a substrate carrier” within the broadest reasonable interpretation of that term.

4. Applicant argues that claims 2, 10, and 15, as originally presented, are not anticipated by BONORA because BONORA fails to disclose a third and fourth side extending from the first and second sides. This argument is not persuasive. Applicant’s argument improperly assumes that the term “side” excludes sides formed of multiple non-linear segments, as shown in BONORA. The sections of BONORA connecting the first and second sides, may properly be considered third and fourth sides within the broadest reasonable interpretation of that term. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.
5. Applicant argues that claim 7, as originally presented, is not anticipated by BONORA because BONORA fails to disclose a radiused edge. This argument is not persuasive. A radiused edge is shown proximate applicants label B’.
6. Applicant argues that claim 8 and 19, as originally presented, is not anticipated by BONORA because BONORA fails to disclose a surface that is angled. This argument is not persuasive. Applicant does not limit the term to any specific range of angles or even state what the surface is angled with respect to. The BONORA surface is clearly “angled” within the broadest reasonable interpretation of that term.

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7. Applicant argues that claim 21, as originally presented, are not anticipated by BONORA because BONORA fails to disclose an “overhead carrier system.” This argument is not persuasive. An “overhead carrier system” is not required to meet the limitations of the claim, merely a support adapted to be coupled thereto.
8. Applicant argues that claim 25-26, as originally presented, are not anticipated by BONORA because BONORA fails to disclose “raising.” This argument is not persuasive. This step is clearly shown in figure 3A.
9. Applicant argues that claims 3, 16 and 20, as originally presented, are not rendered obvious by BONORA in view of GRUBER because GRUBER does not teach a flange with sides angled at about 60°. This argument is not persuasive. The flange with angled sides is already disclosed in BONORA. All GRUBER is relied upon to teach is that it is known to make an angle of about 60°. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Firstly, it should be noted that there is no requirement that an express, written motivation to combine must appear in prior art references before a finding of obviousness. In addition to the teachings of the references themselves, the motivation to combine references may be found in the nature of the problem to be solved or the knowledge of persons of ordinary skill in the art. Furthermore, while there must be a motivation to make the claimed invention, there is no requirement that the prior art provide the same reason as the applicant to make the claimed

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invention. In this case, the motivation to create a specific angle is to optimize the ability to hoist the desired load. Such optimization requires no more than ordinary skill in the art.

10. Applicant argues that claim 27, as originally presented, is not rendered obvious by BONORA in view of AMBERG because AMBERG does not teach a second side, wider than, and opposite a first side. This argument is not persuasive. Firstly, this limitation does not appear in claim 27. Secondly, this limitation, in parent claim 24, is disclosed by BONORA as discussed above. AMBERG is not relied upon for such a teaching.

IV. Conclusion

1. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.

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4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG


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